

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

DONALD SIAS, #1948601

§

VS.

§

CIVIL ACTION NO. 6:17cv521

DAVID HUDSON, ET AL.

§

ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JDUGE

Plaintiff Donald Sias, proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. The case was referred to the United States Magistrate Judge, the Honorable Judge K. Nicole Mitchell.

On July 20, 2018, Plaintiff filed a motion to voluntarily dismiss his case, (Dkt. #24). He explained that he wished his case be removed from the active docket “for the economy of the Court.” Subsequently, on August 17, 2018, the Magistrate Judge issued a Report, (Dkt. #25), recommending that Plaintiff’s request to dismiss his case should be granted. A copy of the Report was sent to Plaintiff at his address; return receipt requested. The docket shows that Plaintiff received a copy of this Report on August 21, 2018; however, to date, no objections have been filed.

Accordingly, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the Magistrate Judge, (Dkt. #25) is **ADOPTED** as the opinion of the Court. Furthermore, it is

ORDERED that Plaintiff's motion to dismiss his case, (Dkt. #24), is **GRANTED**. Plaintiff's civil rights lawsuit is **DISMISSED** with prejudice. Finally, it is

ORDERED that any and all motions that may be pending in this civil action are hereby **DENIED**.

So **ORDERED** and **SIGNED September 12, 2018**.



Ron Clark, Senior District Judge